

4-28-04

HS
SUBMIT
5-6-04

2621

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV378821024US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 26, 2004

Signature: Kevin J. Canning

(Kevin J. Canning)

Docket No.: OAQ-021
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Philip Braica

Application No.: 09/767809

Confirmation No.: 3730

Filed: January 23, 2001

Art Unit: 2621

For: EDGE DETECTION AND SHARPENING
PROCESS FOR AN IMAGE

Examiner: P. Tran

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

APR 30 2004

Technology Center 2600

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed March 24, 2004 (Paper No. 4), applicant hereby provisionally elects the species of claim 1 for continued examination, with traverse.

The Examiner has required restriction between three separate groups of allegedly patentably distinct species of the claimed invention as follows:

- i. Species of claim 1, which requires sharpening a detected edge
- ii. Species of claims 11, 16, which require applying a filter to an image at a detected edge, wherein said filter adjust the intensity of pixel values near an edge; and
- iii. Species of claim 20, which defining a window of pixels within an image, and shifting the window in a linear direction.

Applicants are required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants respectfully traverse the requirements for restriction and election, and submit that the requirements are improper. In the present application, the claims are not directed to inventions that are independent and distinct, and the Examiner would not be burdened by examining all claims in the application.

A single unifying feature, i.e., a method of sharpening an edge in an image, unites all of the claims in the present application. Independent claims 1, 11, 16 and 20 are not patentably distinct from each other, as each claim recites the steps of detecting an edge in an image and sharpening the edge. In claims 11 and 16, the step of sharpening involves applying a filter to the image at the detected edge to adjust the intensity of pixel values near the edge to compensate for errors. The claims recite no mutually exclusive characteristics that would make restriction proper. Moreover, the features recited in claim 1 are also recited in claims 11, 16 and 20.

Applicants submit that a sufficient search and examination with respect to the subject matter of the claims of the species of claim 1, the species of claims 11 and 16 and the species of claim 20 can be made without serious burden. As the M.P.E.P. states:

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803 (8th ed., Rel. 78A, August 2001).

That is, even if the groups of claims are drawn to distinct inventions, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden.

Applicants submit that the search and examination of all the claims will have substantial overlap, and no serious burden will result from searching and examining all claims in the same application.

Nevertheless, in compliance with the directives in the Office Action, and in order to expedite prosecution of the instant application, Applicants hereby elect, subject to the foregoing traverse, the species of claim 1.

Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-35 presently pending in this application be examined.

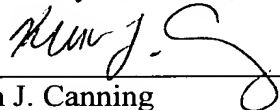
Applicants reserve the right to pursue the non-elected claims, or similar claims, in this or one or more subsequent patent applications.

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned attorney at (617) 227-7400.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. OAQ-021 from which the undersigned is authorized to draw.

Dated: April 26, 2004

Respectfully submitted,

By 
Kevin J. Canning
Registration No.: 35,470
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney for Applicant